



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of: ) Atty. Docket No.:  
**JIANG ET AL** ) **78413 (29-7 US CON)**  
)  
Serial No. **10/681,663** ) Art Unit: **2633**  
)  
Filing Date: **OCTOBER 7, 2003** ) Examiner:  
) **Dalzid Singh**  
Confirmation No. **7292** )  
)  
For: **High Speed Optical Data Links** )  
)

**TERMINAL DISCLAIMER TO OBLIGATE A DOUBLE PATENTING  
REJECTION UNDER 37 CFR 1.321**

Mail Stop Amendment  
Commissioner For Patents  
PO Box 1450  
Alexandria, VA 22313-1450

December 9, 2004

Sir:

The owners, **JDS Uniphase Corporation**, whose full post office addresses are **1768 Automation Parkway, San Jose, California 95131** of **100** percent interest in the instant application (see Reel/Frame 015154/0528) hereby disclaim, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. **6,665,498** entitled "**High-Speed Optical Data Links**" (see Reel/Frame 015386/0742). The owners hereby agree that any patent so granted on the instant application shall be enforceable only for and during such period that it and the

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prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owners do not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Please charge any shortage in fees due in connection with the filing of this paper, including Extension of Time fees, to Deposit Account No. 50-1465 and please credit any excess fees to such deposit account.

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Respectfully submitted,



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**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: M/S AMENDMENT, COMMISSIONER FOR PATENTS, PO BOX 1450, ALEXANDRIA, VA 22313-1450, on this 14 day of December, 2004.

